



U.S. Department of Justice

*United States Attorney
Eastern District of New York*

WMP/JMK/AES
F.#2014R00501

271 Cadman Plaza East
Brooklyn, New York 11201

July 21, 2016

By Hand and ECF

Honorable Kiyo A. Matsumoto
United States District Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

Re: United States v. Martin Shkreli, et al.
Criminal Docket No. 15-637 (KAM)

Dear Judge Matsumoto:

Pursuant to the Court's July 14, 2016 order, the parties have conferred in an attempt to reach an agreement about a proposed motion schedule and next status date. Unfortunately, the parties have been unable to agree on the structure of the motion schedule. The government advocates a schedule where the parties' pre-trial motions are filed simultaneously, while defense counsel wants to set a schedule that would require multiple categories of motions to be briefed in succession.

The government proposes the following schedule for all pre-trial motions (e.g., motions for severance, for a bill of particulars, etc.): motions due September 16, 2016; responses due October 14, 2016; and replies (if any) due October 28, 2016. The government also proposes a status conference during the week of November 7, 2016. The government respectfully submits that this proposed schedule allows the Court to have sufficient time to fully evaluate the parties' motions prior to trial, as the Court requested at the most recent status conference.

Defense counsel has articulated their proposed schedule in a separate filing. In that letter, the defendants suggest a piecemeal approach to pre-trial motion practice, without providing sufficient justification for such an unorthodox schedule. In a phone call between the parties earlier today, the government expressed flexibility in its proposed dates for pre-trial motion practice, including a willingness to adjust the government's proposed motion

schedule by weeks to accommodate any defense concerns. Instead, the defendants proposed a disjointed motion schedule that spans five months. Such delay is wholly unwarranted considering the nature of the charges, the state of discovery in this matter and the current trial date. Additionally, as discussed at length at the last status conference, the government has complied and will continue to comply with its Brady obligations.

Respectfully submitted,

ROBERT L. CAPERS
United States Attorney

By: /s/
Winston M. Paes
Jacquelyn M. Kasulis
Alixandra E. Smith
Assistant U.S. Attorneys
(718) 254-6023/6103/6370

cc: All counsel (via ECF)